

REMARKS

Claims 1, 4-13 and 16 are pending. By this Amendment claims 1, 9, and 16 are amended.

The Office Action rejects claim 16 under 35 U.S.C. § 112. Claim 16 has been amended as suggested in the Office Action. Accordingly, applicants request withdrawal of the rejection.

The Office Action rejects claims 1,4,9 and 10 under 35 U.S.C. § 102(b) over Feuerbaum, rejects claims 5,6, 11 and 16 under 35 U.S.C. § 103(a) over Feuerbaum in view of Meisburger, rejects claims 7 and 12 under 35 U.S.C. § 103(a) over Feueubaum in view of Rose and rejects claims 8 and 13 under 35 U.S.C. § 103(a) over Feuerbaum in view of Todokoro.

Claim 1 recites determining the beam current of the electron beam to be at least 100nA based on a signal to noise ratio of an image of the defect in an inspection time. In a similar manor, claim 9 recites an electron source for drawing the electron beam, the beam current fo the electron beam being determined to be at least 100nA based on a signal to noise ratio of an image of the defect in an inspection time. It is respectfully submitted that the cited references do not disclose or suggest this feature. Accordingly, applicants request withdrawal of the rejections under 35 U.S.C. § 102 and § 103.

The Office is authorized to charge any fees due under 37 C.F.R. § 1.16, 1.17 and 1.136 to Deposit Account No. 11-0600.

Should there be any questions concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney.

**PATENT APPLICATION NO. 10/083,481
DOCKET NO. 29273/559**

Respectfully submitted,



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